

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAVELLE TODD,  
Plaintiffs,

-against-

A. COLOMBOS,  
Correctional Officer Defendants,

AMENDED  
COMPLAINT

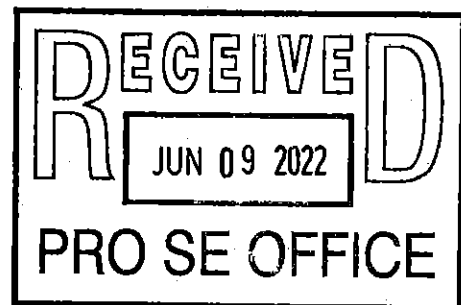
Under the  
Civil Rights Act, 42 U.S.C. § 1983

Jury Trial: Yes ☒ No ☐

I. Parties in this complaint:

A. Plaintiff

LAVELLE TODD #11A0846  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953



B. Defendant(s)

No. 1 A. COLOMBOS, correctional officer

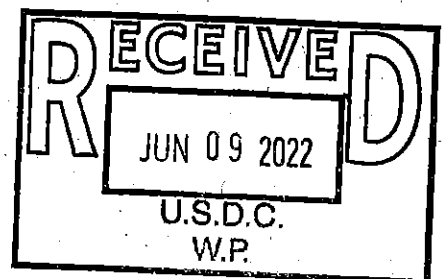
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No. 2

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No. 3

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No. 4 \_\_\_\_\_  
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**II. Statement of Claim:**

**A.** In what institution did the events giving rise to your claim(s) occur?

Greenhaven Correctional Facility, 594 Route 216,  
Stormville, New York 12582.

**B.** Where in the institution did the events giving rise to your claim(s) occur?

West Messhall, And outside the West Messhall  
at B/C corridor.

**C.** What date and approximate time did the events giving rise to your claim(s) occur?

May 24, 2018 at approximately 21:10.

**D. Facts:** On May 24, 2018, plaintiff and other inmates

attended NOI Ramadan Services to practice the  
religion of NOI. After Ramadan Services was  
completed all the inmates at NOI Service  
made Congregation prayer together. After  
Congregation prayer was completed plaintiff  
and all inmates that attended NOI Ramadan  
Services went to the messhall to break their fast  
and eat their Ramadan meal. After eating the  
Ramadan meal plaintiff and all of the  
inmates grabbed their Ramadan Sahara

bag which consisted of their breakfast that they will eat before the sun comes up the next day. After plaintiff and all other inmates that attended NOI Ramadan services grabbed their Sahara bags, they exited the west mess hall where officer A. Colombos and other unidentified officers stopped all of the inmates including the plaintiff and told them to place their Sahara bags on the table at B1c corridor so they can be searched.

### III. Injuries:

C.O. A. Colombos placed a substantial unnecessary burden on the practice of plaintiff's religion when he was denied the constitutional right to participate in Ramadan congregational prayer (Maghrib and Isha) services. Participating in Ramadan religion congregational services may not be compelled by or central to plaintiff's system of religious belief, but he alleges that it is a part of his exercise of religion. That is to say that congregational prayer is the way that plaintiff practice and expresses his religious belief; therefore,

### IV. Exhaustion of administrative Remedies:

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Green Haven Correctional Facility.

B. Does the jail, prison, or other Correctional Facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claim(s)

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)? There is only one claim made.

D. Does the grievance procedure at the jail, prisons, or other Correctional facility where your claim(s) arose not cover some of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)?

E. Did you file a grievance in the jail, prisons, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? Green Haven Corr. facility

1. Which claim(s) in this complaint did you grieve? There is only one complaint

2. What was the result, if any? They told me that they were going to investigate my grievance but I never heard from them again.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to highest level of the grievance process. \_\_\_\_\_

G. If you did not file a grievance, did you inform any officials of your claim(s)?

Yes ☐ No ☐

1. If YES, whom did you inform and when did you inform them?

2. If NO, why not? I did not file a claim until later when I realized that I would suffer continuous chronic back pain.

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

**V. Relief:**

Plaintiff demands herein that if the defendant(s)  
are held liable by and on the application of the laws,  
thereafter said civil trial has come to a conclusion,  
plaintiff indubiously requests and DEMAND that  
the judgement/compensation for said wrongful  
confinement be made in the Monetary sum  
amount of \$25,000.00, as well as PUNITIVE  
DAMAGES in the amount of \$25,000.00

**VI. Previous lawsuits:**

A. Have you filed other lawsuits in state and federal court dealing with the same facts involved in this action?

Yes \_\_\_ No ☒

B. N/A

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_ No ☒

E. N/A

Signed this 6<sup>th</sup> day of June. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff

Lavelle Todd

Inmate Number

11A0846

Mailing address

Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

I declare under penalty of perjury that on this 6<sup>th</sup> day of June,  
2022, I will deliver this complaint to prison authorities to be mailed to the  
*Pro Se* Office of the United States District Court of the Southern  
District of New York.

Signature of Plaintiff: Lavelle Kadd

Sworn to Before me This

6<sup>th</sup> day of June, 2022.

Erika Rae Marshall  
NOTARY PUBLIC

ERIKA RAE MARSHALL  
Notary Public, State of New York  
No. 01MA6165752  
Qualified in Franklin County  
Commission Expires May 14, 2023

## Continuation of the Facts

One of the inmates who is unidentified asked "Why do our Sahara bags gotta be searched this is our food for the morning and there is no reason to be touching our food." Then Officer A. Colombos said everybody just put your bags on the table in which everybody did.

After seeing that everybody complied once plaintiff said for everybody to put their Sahara bags on the table officer A. Colombos immediately told plaintiff to give him his I.D. which plaintiff complied.

After plaintiff gave Officer A. Colombos his I.D. plaintiff asked Officer A. Colombos why did he confiscate his I.D. to which A. Colombos ignored him.

Officer A. Colombos and other officers then emptied all contents in all the Sahara bags onto the table and searched through all the food and no contraband was found within the food and there was no extra food or any food they weren't allowed to have.

After the search of all the Sahara bags Officer A. Colombos then told all of the inmates to grab their stuff and go back to their housing location. All inmates then put all their food back into their bags as well as the plaintiff.

After plaintiff finished picking up all his food off the table and placed it back into the bag he asked A. Colombos can he have his I.D. back and Officer A. Colombos responded by saying "No, go back to your block," to which plaintiff complied and walked back to his block with other inmates and without an escort.

The next morning on May 25, 2018 plaintiff was keep-locked and served a Misbehavior Report at 10:55 a.m., by Officer K. Francois.

## Continuation of the Facts

On May 27, 2018 at 9:22 a.m., a hearing was started and conducted by Lt. Murphy in which plaintiff plead not guilty to all charges and called witnesses to the hearing.

Witnesses testified that plaintiff did not grab several bags and emptied all contents into one bag and did not curse at anytime and did not refuse a direct order and was not escorted back to his housing location and walked back on his own with other inmates who attended NOI Ramadan Services.

H.O. Lt. Murphy adjourned the hearing after witnesses gave testimony and never called plaintiff to the hearing again and released plaintiff on June 14, 2018, a day after Ramadan was over and denied plaintiff his right to practice his religion.

Plaintiff was wrongfully confined to his cell for nineteen (19) days keep-lock, plaintiff had not consented to the confinement to keeplock, plaintiff was conscious of the confinement.

Defendant had carried out a malicious retaliation act against plaintiff by putting plaintiff on keep-lock with a false misbehavior report. This was intentionally done to confine the plaintiff to his cell, this confinement was not otherwise privileged.



## Continuation of the injuries

Offering Maghrib and Isha at congregational services is a religious exercise.

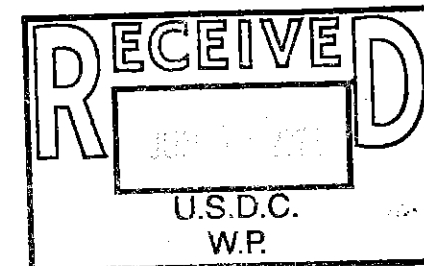
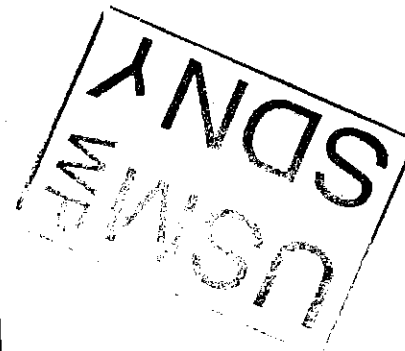
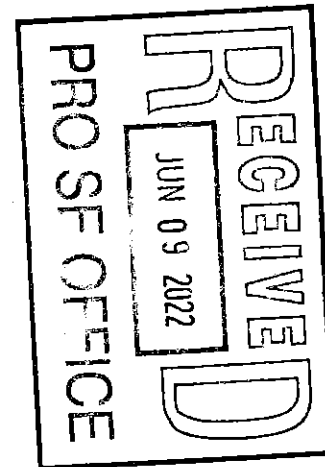
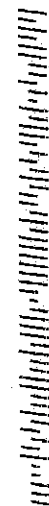
Denying plaintiff the right to offer a congregational prayer was directly, primarily, and fundamentally responsible for rendering that religious exercise effectively impracticable; therefore, denying plaintiff to participate in congregational prayer was a substantial burden on his religious exercise to practice his religion.

Plaintiff argued that "NOI" Muslims should be permitted to offer congregational prayer at Ramadan religious services thereby disputing that prohibiting plaintiff is a compelling governmental interest and that prohibiting him from offering congregational prayers is the least restrictive means of achieving whatever compelling governmental interest might exist.

Plaintiff allege that the defendant subjected him to conduct that would deter a similarly situated individual of ordinary firmness from exercising his or her constitutional right.

The willful, deliberate, malicious, and reckless actions of defendant Correctional officer in depriving plaintiff of the aforesaid liberty without due process of law, sending plaintiff to keep-lock without any rule being violated, manufacturing false charges depicting unlawful confinement, harassment, and retaliation, by falsely fabricating and submitting a false misbehavior report/documents to be made part of DOCCS business record, for the sole purpose to stop plaintiff from participating in Ramadan if it had not been that this retaliation would not have happened.

Upstate Correctional Facility  
P.O. Box 2000  
309 Bare Hill Road  
Malone, NY 12953



Court CLERK  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CHARLES L. Brient Jr.  
FEDERAL BUILDING And UNITED STATES Courthouse  
300 QUARREPOAS Street  
White Plains, New York 10601

LEGAL MAIL